

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

SUITS- Telugu Ganga Project- Nandyal Unit-Kurnool District-Velugodu Village and Mandal- Market Value Enhanced from Rs. 6,500/- to Rs. 20,000/- per acre- Appeals not filed-Final decretal charges-Sanction orders-Issued.

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**IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT**

G.O.Rt.No. 238

Dated: 29 .4.2010

Read the following:

1. From the Special Chief Secretary to Government & CCLA, A.P. Hyderabad Lr.Ref.No. S1/146/2007, Dated:21.3.2007 and 10.8.2009.
2. From the Special Collector, Srisailem Project, Kurnool Lr.Rc.A2/181/2007, Dated: 23.9.2009

**O R D E R:**

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and Special Collector, Srisailem Project, Kurnool in the references I st and 2<sup>nd</sup> read above has submitted decretal proposals in O.P. 13/06, 14/06, 15/06, 16/06, 17/06 and 18/06, for an amount of Rs.8,88,197/- (Rupees Eight Lakhs Eighty eight thousand One hundred Ninety seven only) for an extent of Ac.30.02 dry land in Sy.No. 1922/1 etc acquired through Award No. 22/84, dated: 30.11.1984 for construction of Velugodu Balancing Reservoir under T.G.P. The Special Deputy Collector, L.A, T.G.P. Nandyal had acquired the dry lands in Survey No. 1922/1 etc., for an extent of Ac. 30.02 of Velugodu Village by fixing the market value @ Rs. 6,500/- per acre through Award No. 22/84, dated: 30.11.84 for construction of Velugodu Balancing Reservoir under TGP. Aggrieved by the market value fixed by LAO, the awardees have filed petitions u/s. 18(1) of L.A. Act with a request to refer the matter to the Civil Court for adjudication and on making references u/s. 18 to the Lower Court, the Senior Civil Judge, Atmakur had delivered judgments enhancing the market value from Rs. 6500/- to Rs. 20000/- per acre in O.P. Nos. 13/06 to 18/06 in addition to it, 12% Addition Market Value on such market value from the date of 4(1) L.A. Act Notification till the date of Award i.e. 09.04.1984 to 30.11.1984, 9% interest per annum for the first year from the date of taking possession i.e. 31.5.1984 to 30.5.1985 and 15% P.A. thereafter till realization on the enhanced Market Value and on Solatium too. Aggrieved by the market value enhanced by the Lower Court, the Special Deputy Collector, TGP, Nandyal has addressed the Government Pleader for Appeals, High Court of A.P. Hydedrabad for filing appeals in the above O.P. against the orders of the Lower Court. The Government Pleader, Appeals, High Court of A.P. Hyderabad has opined that there are no grounds to file appeals against the orders of Lower Court as in similar matters where the land was acquired for V.B.R. the Hon'ble High Court confirmed the orders passed by the Reference Court and Supreme Court also dismissed the appeals filed by the Government in the above O.Ps and advised to comply with the orders passed by the reference court immediately so as to avoid the payment of exorbitant rate of interest. The Special Collector, T.G.P. Nandyal has further submitted that in this award the total extent covered in Ac.30.02 out of which, application U/s. 18 of L.A. Act were filed for Ac.17.29 in 2 batches i.e. O.P.No. 367/99 & batch and 13/2008. Out of balance Ac.12.73 acres, applications U/s. 28-A of L.A. Act were filed for Ac.12.73.

2. The CCLA, Hyderabad has further stated that the Commissioner (Legal Affairs) has opined the title dispute is involved in this matter, since the American Baptist Mission is also claiming the owner of the land acquired and the LAO ordered to deposit the compensation in Civil Court under Section 31(2) of the L.A. Act. Unfortunately, the matter was referred to Senior Civil Judge, Atmakur U.s. 18 of L.A. Act. Moreover, the said reference was made in the year 2006 almost 21 years after dating of the passing Award. In fact, U/s.18 of L.A. Act, the reference has to be made within (6) weeks from the date of Award. It is also to inform that the common order passed by the reference

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court does not disclose condonation of delay in filing reference. Further, it discloses clearly, said reference was made only for enhancement of compensation which is not at all correct. For the above reasons, it is observed that there are very good grounds to prefer appeal before Hon'ble High Court against the common order passed by Senior Civil Judge, Atmakur in O.P.Nos. 13/2006 to 18/06. The Special Collector, Srisailam Project, Kurnool was requested to file appeal before the Hon'ble High Court. The Special Collector has submitted and stated that there was a title dispute in Award No. 22/84, dt: 30.11.1984. The matter was referred to Sub-Court, Atmakur and the Sub-Court, Atmakur in his judgment U/s. 31(2) of L.A. Act in O.P.No. 2903/87 & Batch delivered on 26.12.1995 in favour of the Telugu Baptist Mission. The claimant filed appeals in the Hon'ble High Court. The High Court in Appeal No. 1056/96 delivered the compromised order dated: 16.12.1997 that 80% of the compensation shall be paid to the appellant i.e. claimants and 20% of the compensation shall be to the respondents i.e. Telugu Baptist Mission. The appellants were also entitled to any further enhancement of the compensation and the Respondents i.e. President and Secretary, Telugu Baptist Mission shall not be entitled for any other compensation. The Special Collector has furnished the attested Judgment of Sub-Court, Atmakur and Hon'ble High Court, and the claimants filed applications U/s.18 of the L.A. Act soon after the receipt of the certified copy from the High Court. The Sec. 18 reference was made in the year 2005. The Senior Civil Judge Court, Atmakur has pointed out some commissions and they were complied. The Sub-Court has taken the reference U/S. 18 on file and assigned the O.P.Nos. 13/06 & batch and delivered the judgment on 13.12.2006 and in the similar matters where the lands were acquired for the purpose of Velugodu Balancing Reservoir, the Market Value was enhanced from Rs. 6,500/- to Rs. 20,000/- per acre and was confirmed by the High Court and Supreme Court also. The Government Pleader (Appeals) also opined that there are no good grounds to file appeal before the Hon'ble High Court and advised to comply with the orders passed by the reference court so as to avoid payment of exorbitant rates of interest and further the Commissioner (Legal Affairs) has stated that his earlier Opinion given on 27.9.2007 is still stands good and the Special Collector, Srisailam Project, Kurnool has again requested to file an appeal in High Court accordingly. But the Government Pleader for Appeals, high Court in his letter dated: 22.7.2009 has opined that there is no option except to pay compensation as awarded by the reference court and also advised to comply the judgment of the reference court to the earliest to avoid payment of further interest. Accordingly Special Collector, Srisailam Project, Kurnool vide letter dt: 15.10.2009 has submitted the proposals for an amount of Rs. 8, 88,197/- towards payment of decretal charges in O.P.No. 13/06 and batches (6 cases) of Velugodu Village with a request to recommend to Government for sanction of decretal charges. A.P.Hyderabad.

3. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 8,88,197/- (Rupees Eight Lakhs Eighty Eight thousand One hundred Ninety seven only) towards final decretal charges in respect of O.P. Nos. 13/06 to 18/06 (6 cases) pertaining to Velugodu Village and Mandal, Kurnool District for the purpose of construction of Velugodu Balancing Reservoir as the Market value was enhanced from Rs. 6,500/- to Rs. 20,000/- per acre. subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, SSP, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

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4. The Special Collector, SSP, Kurnool is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid.

5. The amount sanctioned in Para (3) above shall be debitable to the Head of Account under "4701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 –TGP; G.H. 11- Normal State Plan; S.H. (26) D&A Works ; 530 Major Works; 532 – Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 1724/F7(A2)/2010, Dated: 8.4.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA  
SECRETARY TO GOVERNMENT,

To

The Special Chief Secretary & C.C.L.A. A.P. Hyderabad

The Special Collector, SSP, Kurnool

The Special Deputy Collector, L.A. T.G.P.Nandyal

The Chief Engineer, Irrigation, Hyderabad

The Revenue Divisional Officer, Nandyal

The Superintending Engineer, I & CAD, Kurnool

The Director of Works and Accounts, Hyderabad

Copy to

P.S. to Minister ( M & MI)

Law Department/Finance (W&P) Department

C.No. 29200/L.A.II/A1/2009

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//SECTION OFFICER//